REMARKS

Claims 1-7 are pending in the present application. In the Office Action, the Examiner objected to claims 1 and 5 because of informalities in the claims. Claims 1 and 5 have been amended solely to correct the typographical errors pointed out by the Examiner. The claims have in no way been narrowed by virtue of these amendments and so these amendments should not be interpreted as narrowing the claimed invention for purposes of any determination under the doctrine of equivalents. Applicant respectfully requests that the Examiner's objections to claims 1 and 5 be withdrawn.

In the Office Action, the Examiner rejected claims 1-7 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner alleges that there is confusion as to the purpose of the method. Applicants respectfully disagree. As stated in the preamble of claim 1, the method is used for receiving information in a communication system. However, as described in the specification, the received information may include confirmation messages that may be misinterpreted, leading to undesirable behavior of the communication system. Thus, as set forth in claim 1, the present method allows recovery from misinterpretation of a previous confirmation message transmission while the communication system is receiving information. Thus, Applicants respectfully submit the claims 1-7 are clear and request that the Examiner's rejections of claim 1-7 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Office Action, claims 1-7 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Crisler (U.S. Patent No. 5,477,550). The Examiner's rejections are respectfully traversed.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. As admitted by the Examiner, Crisler fails to teach or suggest deciding which of a plurality of confirmation messages to transmit based on an information status flag indication contained in a received information message. To remedy this fundamental deficiency, the Examiner notes that Crisler teaches an error detection field that may be sent with each block. The Examiner then alleges that it would be obvious to a person of ordinary skill in the art to modify the prior art by changing the error detection field described in Crisler to an information status flag as a matter of design choice. Applicants respectfully disagree for at least the following reasons.

The claimed information status flag provides information indicative of the status of other information included a transmitted block. For example, the information in the transmitted block may be NEW information or CONTINUE information, as indicated by an information status flag included the transmitted block. See Patent Application, page 8, ll. 1-10. In contrast, the error detection field described Crisler is a set of bits that may be used by a receiver to determine whether or not the block is corrupted. See Crisler, col. 3, ll. 3-5. Thus, Applicants submit that the information status flag and the error detection field are completely different types of information that serve different purposes. Thus, Crisler fails to teach or suggest all the limitations of the claimed invention.

Moreover, contrary to the Examiner's allegation in the Office Action, Applicants respectfully submit that the cited references do not contain any suggestion or motivation to modify the prior art to arrive at Applicants' claimed invention. Crisler is concerned with reducing bit overhead of small packets in an SR-ARQ protocol. Crisler teaches that providing message-received or message-partially-received communications (collectively referred to as

transmission acknowledgements) based on whether or not errors are detected in a received packet may reduce the bit overhead. See Crisler, col. 4, ll. 23-46. However, Crisler provides no suggestion or motivation for including an information status flag in the transmission acknowledgements, as suggested by the Examiner. In contrast, Crisler appears to teach away from the Examiner's proposed modification by teaching that it is desirable to reduce bit overhead associated with small packet transmission. Thus, Crisler teaches away from including any additional bits in the transmitted packets, such as the bits in an information status flag. It is by now well established that teaching away by the prior art constitutes *prima facie* evidence that the claimed invention is not obvious.

For at least this reason, Applicants respectfully submit that claims 1-7 are not obvious over Crisler because the cited references fail to teach or suggest all the limitations of the claimed invention and provide no motivation to modify the prior art to arrive at the claimed invention. Moreover, Crisler appears to teach away from the Examiner's proposed modification. Applicants respectfully request that the Examiner's rejections of claims 1-7 under 35 U.S.C. 103(a) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

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Respectfully submitted,

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